

REMARKS

The Official Action mailed April 23, 2003, has been received and its contents carefully noted. Filed concurrently herewith is a *Request for Two Month Extension of Time*, which extends the shortened statutory period for response to September 23, 2003. Accordingly, the Applicant respectfully submits that this response is being timely filed.

Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on August 17, 2000, March 28, 2002, May 3, 2002, and December 2, 2002.

Claims 1-36 were pending in the present application prior to the above amendment. Claims 6 and 9 have been canceled, claims 1, 4, 5, 7, 8, 10-13, 15, 16, 18, 19, 21, 22, 24, 25, 27, 28 and 30-36 have been amended to correct minor typographical and grammatical errors, and claims 4, 7, 10 and 30-36 have also been amended to better recite the features of the present invention. Allowable claims 7 and 10 have been amended into independent form to include the features of independent claims 6 and 9, respectively. New claim 37 has been added to recite additional protection to which the Applicants are entitled. Accordingly, claims 1-5, 7, 8 and 10-37 are now pending in the present application, of which claims 1, 4, 5, 7, 10, 12, 15, 18, 21, 24, 27 and 30-36 are independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested. The Applicants note with appreciation the allowance of claims 1-5 and 12-29, and the allowability of claims 7 and 10.

Paragraph 2 of the Official Action rejects claims 6, 8, 9, 11 and 31-35 as anticipated by U.S. Patent No. 6,322,625 to Im. The Applicants respectfully submit that an anticipation rejection cannot be maintained against independent claims 7, 10 and 31-35 of the present invention, as amended.

As stated in MPEP § 2131, to establish an anticipation rejection, each and every element as set forth in the claim must be described either expressly or inherently in a

single prior art reference. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Im does not teach all the elements of the independent claims, either explicitly or inherently. With respect to claims 6, 8, 9 and 11, paragraph 11 of the Official Action notes that "[claims] 7 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims" (page 4, Paper No. 14). In response, claims 7 and 10 have been amended into independent form to include the features of independent claims 6 and 9, respectively. Also, claims 8 and 11 have been amended so that they depend from claims 7 and 10, respectively. As such, the Applicants respectfully submit that claims 7, 8, 10 and 11 are allowable, as amended.

With respect to claims 31-35, the Official Action appears to assert that Im discloses a projection irradiation system having an excimer laser 11, mirrors 12, a beam splitter 13, and a variable attenuator 18, and that with this system simultaneous radiation pulses can be applied to the front and back sides of a sample 10 on the stage in Figure 1 (page 2; Id.). In response, independent claim 31-35 have been amended to recite linearly reshaping the first and second laser lights. The Applicants respectfully submit that Im does not teach linearly reshaping the first and second laser lights, either explicitly or inherently.

Since Im does not teach all the elements of the independent claims, either explicitly or inherently, an anticipation rejection cannot be maintained. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(e) are in order and respectfully requested.

Paragraph 3 of the Official Action rejects claim 36 as anticipated by U.S. Patent No. 6,426,245 to Kawasaki et al. The Applicants respectfully submit that an anticipation rejection cannot be maintained against independent claim 36 of the present invention, as amended. Kawasaki does not teach all the elements of the independent claims, either explicitly or inherently.

The Official Action appears to assert that Kawasaki discloses that the island-like semiconductor layer is subjected to two components, one of which is a direct laser beam component passing through the cylindrical lens and the other a diffused beam component being reflected by a reflection plate in Figure 1 and a reflection plate (1205) between the substrate and the stage (element 1202) in Figure 3A (page 3, *Id.*). In response, independent claim 36 has been amended to recite "wherein said reflector is in contact with the substrate." The Applicants respectfully submit that Kawasaki does not teach that a reflector is in contact with a substrate, either explicitly or inherently.

Since Kawasaki does not teach all the elements of the independent claims, either explicitly or inherently, an anticipation rejection cannot be maintained. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(e) are in order and respectfully requested.

Paragraph 8 of the Official Action rejects claim 30 as obvious based on the combination of Im and U.S. Patent No. 6,087,625 to Iso. The Applicants respectfully submit that a *prima facie* case of obviousness cannot be maintained against the independent claims of the present invention, as amended.

As stated in MPEP §§ 2142-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole

would have suggested to those of ordinary skill in the art.” In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach or suggest all the features of the independent claims, as amended. Im and Iso do not teach or suggest linearly reshaping the first and second laser lights.

The Official Action concedes that Im does not disclose “using a beam splitter (element 12) instead of a half mirror” (page 4, Id.). The Official Action relies on Iso to allegedly teach “that beam splitters and half mirrors are art-recognized equivalents” (Id.). In response, independent claim 30 has been amended to recite “linearly reshaping the first and second laser lights.” The Applicants respectfully submit that Im and Iso do not teach or suggest linearly reshaping the first and second laser lights.

Since Im and Iso do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a) are in order and respectfully requested.

New dependent claim 37 has been added to recite additional protection to which the Applicants are entitled. For at least the reasons stated above, the Applicants respectfully submit that new claim 37 is also in condition for allowance.



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Application Serial No. 09/640,521
Attorney Docket No. 0756-2197

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

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